

EXTRAORDINARY



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HOUSE OF ASSEMBLY.

25th March, 1943.

The following Bill having been introduced into the House of Assembly, is published in accordance with Standing Order No. 160.

RALPH KILPIN,

Clerk of the House of Assembly.

PAGE

A.B. 29—'43. Nursing Bill ii

VOLKSRAAD.

25 Maart 1943.

Die volgende Wetsontwerp, ingedien in die Volksraad, word gepubliseer ingevolge artikel 160 van die Reglement van Orde.

RALPH KILPIN,

Klerk van die Volksraad.

BLADSY.

A.B. 29—'43. Wetsontwerp op Verpleging .. iii

BILL

To provide for the incorporation, registration and control of nurses and midwives and for other matters connected therewith.

(Introduced by Mrs. V. M. L. BALLINGER, M.P.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

Definitions.

1. In this Act unless inconsistent with the context—
 - " Association " means the South African Nursing Association constituted under this Act. 5
 - " Council " means the South African Nursing Council constituted under this Act.
 - " Minister " means the Minister of Public Health or any other Minister of State acting in his stead. 10
 - " prescribed " means prescribed under this Act.
 - " principal Act " means the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928) as amended.
 - " this Act " includes any proclamation, regulation, rule or order made and in force under this Act. 15

Establishment of Nursing Association.

2. From the commencement of this Act there shall be established for the Union an association to be styled " The South African Nursing Association ".

Objects of Association.

3. The objects of the Association shall be—
 - (i) to provide an efficient and adequate nursing and midwifery service for the Union ; 20
 - (ii) to raise the status, maintain the integrity and promote the interests of the nursing and midwifery professions ;
 - (iii) to consider and deal with all matters affecting the nursing and midwifery professions, and student nurses and student midwives ; 25
 - (iv) to perform any acts necessary or incidental to the attainment of the above objects or any of them.

Incorporation and Management.

4. (1) The Association shall be a body corporate and may sue and be sued and may, subject to the provisions of this Act, exercise all the functions exercisable by a corporate body. 30
- (2) The management and control of the Association and the furtherance of its objects shall be vested in a Council to be styled " The South African Nursing Council ", which may exercise all such powers and do all such things as may be exercised or done by the Association and are not expressly directed or required by this Act to be done by the Association in general meeting or otherwise. 35

Constitution of Council.

5. (1) The Council shall be constituted as follows :— 40
 - (a) the chief health officer or an assistant health officer of the Department of Public Health, appointed from time to time by the Minister ;
 - (b) the commissioner of mental hygiene or the physician-superintendent of a State mental hospital, appointed from time to time by the Minister ; 45
 - (c) a person appointed by the Minister of Education from time to time ;
 - (d) two persons to represent the general public appointed by the Minister ; 50
 - (e) two medical practitioners appointed by the South African Medical Council established under the principal Act ;
 - (f) ten nurses registered under this Act, elected by the nursing members of the Association registered under section eight at the date of election, *mutatis mutandis* in accordance with the provisions of the First Schedule to the principal Act ; 55

WETSONTWERP

Om voorsiening te maak vir die inlywing, registrasie en beheer van verpleegsters en vroedvroue en vir ander daarmee in verband staande sake.

(Ingedien deur MEV. V. M. L. BALLINGER, L.V.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. In hierdie Wet, tensy met die samehang onbestaanbaar— Woordom-
5 beteken „vereniging”, die Suid-Afrikaanse Verpleegsters- skrywing.
vereniging ingestel kragtens hierdie Wet;
beteken „raad”, die Suid-Afrikaanse Verpleegstersraad
ingestel kragtens hierdie Wet;
10 beteken „Minister”, die Minister van Volksgesondheid of
enige ander Staatsminister wat in sy plek optree;
beteken „voorgeskrewe”, voorgeskrewe kragtens hierdie
Wet;
beteken „Hoofwet”, die Wet op Geneeshere, Tandartse en
Aptekers, 1928 (Wet No. 13 van 1928), soos gewysig;
15 sluit „hierdie Wet” enige proklamasie, regulasie, reël of
order in wat kragtens hierdie Wet gemaak en van
krag is.
2. Vanaf die inwerkingtreding van hierdie Wet word daar Oprigting van
vir die Unie ’n vereniging opgerig, genoem te word „Die Suid- verpleegsters-
20 Afrikaanse Verpleegstersvereniging”.
3. Die oogmerke van die vereniging is— Oogmerke van
(i) om ’n doeltreffende en toereikende verplegings- en vereniging.
verloskundige diens vir die Unie daar te stel;
(ii) om die status van die verplegings- en verloskundige
25 beroepe te verhoog, die ongeskondenheid daarvan te
handhaaf en die belange daarvan te bevorder;
(iii) om alle sake rakende die verplegings- en verloskundige
beroepe, leerling-verpleegsters en leerling-vroedvroue
te oorweeg en te behandel;
30 (iv) om alle handelings te verrig wat nodig is vir of ver-
bonde is aan die bereiking van bogenoemde oogmerke
of enigeen van hulle.
4. (1) Die vereniging is ’n liggaam met regs persoonlikheid Inlywing en
beklee wat as eiser en verweerder in regte kan optree en wat, Bestuur.
35 onderworpe aan die bepalings van hierdie Wet, al die werk-
saamhede kan verrig wat deur ’n liggaam met regs persoonlik-
heid beklee, verrig kan word.
(2) Die bestuur van en beheer oor die vereniging en die
bevordering van sy oogmerke berus by ’n raad, genoem te word
40 „Die Suid-Afrikaanse Verpleegstersraad”, wat alle sodanige
bevoegdhede kan uitoefen en alle sodanige handelings kan
verrig as wat deur die vereniging uitgeoefen of verrig kan word
en ten opsigte waarvan nie uitdruklik deur hierdie Wet bepaal
of vereis word dat dit deur die vereniging in algemene verga-
dering of andersins verrig moet word nie.
45
5. (1) Die raad word uit die volgende saamgestel— Samestelling
(a) die hoofgesondheidsbeampte of ’n assistent-gesond- van raad.
heidsbeampte van die Departement van Volks-
gesondheid, van tyd tot tyd deur die Minister aan-
gestel;
50 (b) die Kommissaris van Geesteshigiëne of die geneesheer-
superintendent van ’n Staatshospitaal vir sielsiekies,
van tyd tot tyd deur die Minister aangestel;
(c) ’n persoon van tyd tot tyd deur die Minister van
55 Onderwys aangestel;
(d) twee persone om die algemene publiek te verteen-
woordig, deur die Minister aangestel;
(e) twee mediese praktisyns deur die Suid-Afrikaanse
Mediese Raad, kragtens die Hoofwet opgerig, aan-
60 gestel;
(f) tien verpleegsters kragtens hierdie Wet geregistreer
en gekies deur die verplegingslede van die vereniging
wat op die datum van kiesing kragtens artikel *agt*
geregistreer is, *mutatis mutandis* volgens die bepalings
65 van die Eerste Bylae tot die Hoofwet;

(g) two midwives registered under this Act, elected by the midwifery members of the Association registered under section *eight* at the date of election, *mutatis mutandis* in accordance with the provisions of the First Schedule to the principal Act; 5

(h) a nurse registered under section *eight* elected by student nurses and student midwives registered under section *nine*, *mutatis mutandis* in accordance with the provisions of the First Schedule to the principal Act.

(2) The Minister shall give notice in the *Gazette* of the appointment or election of any member of the Council and specify the date from which his membership commences. 10

(3) Save as is otherwise in this Act provided the members of the Council shall be appointed or elected for periods of five years, but shall be eligible for re-appointment or re-election. 15

(4) The Governor-General may (on the recommendation of the Council) by regulation amend the provisions of the First Schedule of the principal Act in so far as it is applied by this Act for the purpose of electing members of the Council.

(5) The provisions of sections *three* to and including section *seven*, sections *nine*, *eleven* and *twelve* of the principal Act in so far as they can be applied, shall apply *mutatis mutandis* in respect of the Council. 20

(6) In making the election provided for in paragraph (f) of sub-section (1) regard shall be had to the desirability of including in the Council persons having experience in the various forms of nursing. 25

(7) The first Council shall hold office for two years from the commencement of this Act; and instead of the elections provided for in paragraphs (f), (g) and (h) of sub-section (1) the South African Trained Nurses' Association shall appoint a corresponding number of similarly qualified persons. 30

Office of the Association.

6. The office of the Association shall be situated at Cape Town: Provided that the Council shall have power to alter the situation from time to time on giving not less than two months' notice in the *Gazette*, and provided further that the Association and the Council may meet at any other place as the Council may decide. 35

Powers of Council.

7. (1) The powers and duties of the Association exercisable through the Council in terms of section *four* shall be— 40

- (a) to form and maintain the registers referred to in sections *eight* and *nine*, and to prescribe the form and conditions thereof;
- (b) to prescribe the qualifications and conditions for admission or re-admission to the register, including the nature and period of the training required, the examinations to be passed, and the recognition of qualifications obtained outside the Union; 45
- (c) to appoint examiners and conduct examinations;
- (d) to approve of schools of nursing or other places where nurses and midwives are trained; 50
- (e) to grant certificates;
- (f) to prescribe the fees payable to the Council in respect of admission to the register, examinations, or the issue of certificates, and fix the annual subscription payable to the Association by members or classes of members of the Association; 55
- (g) to adopt a distinctive uniform or uniforms, badge or badges for persons registered under this Act, and to require the wearing thereof when on duty; 60
- (h) to remove from the register or to suspend any person who has been guilty of such conduct as, in the opinion of the Council, renders such person unfit to be registered under this Act, in accordance *mutatis mutandis* with the disciplinary procedure and subject to the appeal laid down in Chapter IV of the principal Act. 65
- (i) to acquire, mortgage and dispose of property of all kinds and to accept and administer trusts and donations in furtherance of the objects set out in section *three*; 70
- (j) to regulate the calling of and procedure at meetings of the Council and the Association, with power to divide the Association into regional branches and to regulate such branches;
- (k) to undertake, subsidize or otherwise support the production of a nursing journal; 75

- (g) twee vroedvroue kragtens hierdie Wet geregistreer en gekies deur die verloskundige lede van die vereniging wat op die datum van kiesing kragtens artikel *agt* geregistreer is, *mutatis mutandis* volgens die bepalings van die Eerste Bylae tot die Hoofwet;
- (h) 'n verpleegster kragtens artikel *agt* geregistreer en gekies deur leerling-verpleegsters en leerling-vroedvroue kragtens artikel *nege* geregistreer, *mutatis mutandis* volgens die bepalings van die Eerste Bylae tot die Hoofwet.
- (2) Die Minister gee in die *Staatskoerant* kennis van die aanstelling of verkiesing van enige lid van die raad en vermeld die datum waarop sy lidmaatskap begin.
- (3) Behalwe soos andersins in hierdie Wet bepaal, word die lede van die raad vir tydperke van vyf jaar aangestel of verkies maar hulle kan her aangestel of herkies word.
- (4) Die Goewerneur-generaal kan (op aanbeveling van die raad) by regulasie die bepalings van die Eerste Bylae tot die Hoofwet wysig vir sover dit deur hierdie Wet vir die doel van die verkiesing van lede van die raad toegepas word.
- (5) Die bepalings van artikels *drie* tot en met *sewe*, artikels *nege*, *elf* en *twalf* van die Hoofwet is vir sover hulle toegepas kan word *mutatis mutandis* toepaslik ten opsigte van die raad.
- (6) By die verkiesing bepaal in paragraaf (f) van sub-artikel (1) word die wenslikheid in ag geneem om in die raad persone met ondervinding van die verskillende vorms van verpleging in te sluit.
- (7) Die eerste raad beklee sy amp vir twee jaar vanaf die inwerkingtreding van hierdie Wet; en in stede van die verkiesings bepaal in paragrafe (f), (g) en (h) van sub-artikel (1) stel die „South African Trained Nurses Association” 'n ooreenstemmende aantal dergelik bevoegde persone aan.
6. Die kantoor van die vereniging moet in Kaapstad wees: Kantoor van die Met dien verstande dat die raad bevoeg is om van tyd tot tyd, vereniging. na voorafgaande kennisgewing in die *Staatskoerant* van minstens twee maande die kantoor te verskuif; en met dien verstande verder dat die vereniging en die raad op enige ander plek kan byeenkom soos die raad mag besluit.
7. (1) Die bevoegdhede en pligte van die vereniging wat Bevoegdhede kragtens artikel *vier* deur die raad uitgeoefen kan word, is van raad. die volgende—
- (a) om die in artikels *agt* en *nege* bedoelde registers op te stel en by te hou en om die vorm en voorwaardes daarvan voor te skryf;
- (b) om die kwalifikasies en voorwaardes vir toelating of hertoelating tot die register voor te skryf, met inbegrip van die aard en tydperk van opleiding vereis, die eksamens afgelê te word en die erkenning van kwalifikasies wat buite die Unie verkry is;
- (c) om eksaminatore aan te stel en eksamens te hou;
- (d) om goedkeuring te verleen aan verplegingskole of ander plekke waar verpleegsters en vroedvroue opgelei word;
- (e) om sertifikate toe te ken;
- (f) om die gelde voor te skryf wat aan die raad betaalbaar is ten opsigte van toelating tot die register, die eksamens of die uitreiking van sertifikate, en om die jaarlikse lidmaatskapsgeld aan die vereniging betaalbaar deur lede of kategorieë van lede van die vereniging vas te stel;
- (g) om 'n onderskeidende uniform of uniforms, kenteken of kentekens vir persone kragtens hierdie Wet geregistreer aan te neem en om die dra daarvan wanneer in diens te vereis;
- (h) om enige persoon wat aan gedrag skuldig is wat na die mening van die raad sodanige persoon ongeskik maak om kragtens hierdie Wet geregistreer te wees, uit die register te skrap of te skors, *mutatis mutandis* volgens die tug-prosedure en onderworpe aan die appèl in Hoofstuk IV van die Hoofwet bepaal;
- (i) om alle soorte eiendom te verkry, te verhipotekeer en van die hand te sit en om trusts en skenkings ter bevordering van die oogmerke in artikel *drie* uiteengesit, aan te neem en te administreer;
- (j) om die byeenroeping van en prosedure op vergaderings van die raad en die vereniging te reël, met die bevoegdheid om die vereniging in streektakke te verdeel en om sodanige takke te reël;
- (k) om die uitgawe van 'n verplegingsjoernaal te onderneem, te subsidieer of andersins te steun;

- (l) to appoint such officers as may be necessary, to regulate their duties and conditions of service ;
- (n.) to establish and administer sick and provident funds for nurses and midwives ;
- (n) to take such steps as the Council may deem necessary to safeguard and improve the conditions of service of nurses, midwives and student nurses and student midwives, and to represent them whenever the Council may deem necessary ;
- (o) to make and amend such regulations as may be necessary or expedient for carrying out the objects of, and exercising the powers conferred by, this Act ;
- (p) to regulate and prescribe from time to time the respective rights (including voting rights exercisable at congresses, meetings or otherwise) and the privileges, duties and liabilities of members or classes of members ;
- (q) generally, to do all such things as are necessary or reasonable for the carrying out of the objects and purposes of this Act.

(2) Regulations made under this section shall be subject to the approval of the Minister and shall come into operation by publication in the *Gazette*.

Register.

8. (1) As from the commencement of this Act every person duly registered as a nurse or midwife under the provisions of the principal Act shall be deemed to be registered under this Act, and their names shall, without fee, be included in the register in sub-section (2) hereof referred to.

(2) As from the commencement of this Act the Council shall form and maintain a register of nurses and midwives consisting of at least the following parts, viz. :—

- (a) nurses deemed to be registered under sub-section (1) and nurses qualified to be registered under the provisions of this Act ;
- (b) midwives deemed to be registered under sub-section (1) and midwives qualified to be registered under the provisions of this Act.

(3) Anyone registered under this section may use the title "Registered Nurse" or "Registered Midwife" as the case may be, and wear the badge or uniform prescribed, if any, or both the badge and uniform.

(4) Anyone not registered under this section who makes use of the title "Registered Nurse" or "Registered Midwife" or holds herself out, directly or indirectly, as being so registered, or wears the badge or uniform prescribed or any colourable imitation thereof, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty pounds.

(5) Every person qualified to be registered under this Act as a nurse or midwife shall so register.

Students.

9. The Association shall also maintain a register of student nurses and student midwives. Every student nurse and student midwife, before beginning training, shall register with the Council in the form prescribed by the Council, and in the event of abandonment of training shall notify the Council forthwith.

The Association.

10. (1) The Association shall consist of—

- (a) all persons duly registered under section eight ;
- (b) all persons duly registered under section nine, who shall be styled "junior members" ;
- (c) any other class or classes of persons who in the opinion of the Council should be admitted to membership.

(2) In furtherance of the objects referred to in section three the Association shall meet in congress once every two years ; and special congresses or meetings may be called or referendums may be held by the Council on its own initiative, or on request signed by not less than fifty members.

Penalty.

11. Where no penalty is expressly provided for a contravention of this Act or for failure to comply therewith the offender shall be liable on conviction to a fine not exceeding fifty pounds: Provided that this section shall not apply to a rule

- (l) om sodanige amptenare as wat nodig mag wees aan te stel en hulle pligte en diensvoorwaardes te reël ;
- (m) om sieke- en voorsorgsfondse vir verpleegsters en vroedvroue te stig en te administreer ;
- 5 (n) om sodanige stappe te doen as wat die raad nodig mag ag ter beveiliging en verbetering van die diensvoorwaardes van verpleegsters, vroedvroue en leerling-verpleegsters en leerling-vroedvroue en om hulle wanneer die raad dit nodig mag ag, te verteenwoordig ;
- 10 (o) om sodanige regulasies as wat nodig of dienstig mag wees vir die verwesenliking van die oogmerke van hierdie Wet en die uitoefening van die bevoegdhede daardeur verleen, uit te vaardig en te wysig ;
- 15 (p) om van tyd tot tyd die onderskeie regte (met inbegrip van die stemregte wat op kongresse, vergaderings of andersins uitgeoefen kan word) en die voorregte, pligte en verpligtings van lede of kategorieë van lede te reël en voor te skryf ;
- 20 (q) om, oor die algemeen, alles te doen wat nodig of redelik is vir die verwesenliking van die oogmerke en doeleindes van hierdie Wet.
- (2) Regulasies kragtens hierdie artikel uitgevaardig, is onderhewig aan die goedkeuring van die Minister en tree in werking deur publikasie in die *Staatskoerant*.
- 25 8. (1) Vanaf die inwerkingtreding van hierdie Wet word elke Register. persoon wat behoorlik as 'n verpleegster of 'n vroedvrou kragtens die bepalinge van die Hoofwet geregistreer is, geag kragtens hierdie Wet geregistreer te wees, en hulle name word sonder betaling in die register in sub-artikel (2) hiervan bedoel, opgeneem.
- 30 (2) Vanaf die inwerkingtreding van hierdie Wet stel die raad 'n register van verpleegsters en vroedvroue op en hou hy dit by en dit moet minstens uit die volgende dele bestaan, nl.—
- 35 (a) verpleegsters wat geag word kragtens sub-artikel (1) geregistreer te wees en verpleegsters wat bevoeg is om kragtens die bepalinge van hierdie Wet geregistreer te wees ;
- (b) vroedvroue wat geag word kragtens sub-artikel (1) geregistreer te wees en vroedvroue wat bevoeg is om
- 40 kragtens die bepalinge van hierdie Wet geregistreer te wees.
- (3) Enigeen kragtens hierdie artikel geregistreer mag die benaming „Geregistreerde Verpleegster” of Geregistreerde Vroedvrou”, na gelang van die geval, gebruik en kan die
- 45 voorgeskrewe kentekens of uniform, as daar is, of beide die kentekens en uniform dra.
- (4) Enigeen wat nie kragtens hierdie artikel geregistreer is nie en gebruik maak van die benaming „Geregistreerde Verpleegster” of „Geregistreerde Vroedvrou” of haar regstreeks
- 50 of onregstreeks as aldus geregistreer voordoën, of die voorgeskrewe kentekens of uniform of enige voorgewende namaaksel daarvan dra, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens twintig pond.
- (5) Elke persoon wat bevoeg is om kragtens hierdie Wet as
- 55 'n verpleegster of 'n vroedvrou geregistreer te wees, moet haar aldus laat registreer.
9. Die vereniging hou ook 'n register van leerling-verpleeg- Leerlinge. sters en leerling-vroedvroue by. Elke leerling-verpleegster en leerling-vroedvrou moet haar alvorens met opleiding te begin,
- 60 by die raad in die deur die raad voorgeskrewe vorm laat registreer, en moet, ingeval daar van die opleiding afgesien word, die raad onmiddellik in kennis stel.
10. (1) Die vereniging bestaan uit— Die vereniging.
- 65 (a) alle persone behoorlik kragtens artikel *agt* geregistreer ;
- (b) alle persone behoorlik kragtens artikel *nege* geregistreer, wat „junior lede” genoem word ;
- (c) enige ander kategorie of kategorieë van persone wat na die mening van die raad tot lidmaatskap toegelaat behoort te word.
- 70 (2) Ter bevordering van die oogmerke in artikel *drie* vermeld, vergader die vereniging eenkeer elke twee jaar in kongres ; en spesiale kongresse of vergaderings kan deur die raad belê of referendums deur hom gehou word uit eie beweging of op versoek deur minstens vyftig lede onderteken.
- 75 11. Waar geen straf uitdruklik vir 'n oortreding van hierdie Straf. Wet of vir versuim om daaraan te voldoen bepaal word nie, is die oortreder by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond : Met dien verstande dat hierdie

or order under this Act unless such rule or order has been promulgated in the *Gazette*.

Application
and repeal.

12. Where relevant, and not inconsistent with this Act, the provisions of the principal Act shall *mutatis mutandis* be read as if forming part of this Act; and to the extent that the principal Act is inconsistent with this Act the principal Act is hereby repealed. 5

Short title and
commencement.

13. This Act shall be called the Nursing Act, 1943, and shall come into operation on a date to be fixed by the Governor-General by Proclamation in the *Gazette*. 10